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Hearing Date: January 27, 2021
Hearing Time: 10:00 a.m. (EST)
Objections Due: January 7, 2021
Objection Time: 4:00 p.m. (EST)

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the chapter 7 estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

**CERTIFICATE OF NO OBJECTION TO TRUSTEE'S THIRTY-FIFTH OMNIBUS
MOTION TO AFFIRM THE TRUSTEE'S CLAIMS DETERMINATIONS AND
OVERRIDE OBJECTIONS THAT APPEAR TO RAISE FACTUAL ISSUES**

Irving H. Picard, trustee ("Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa-III, and the chapter 7 estate of Bernard L. Madoff, by and

through his undersigned counsel, submits this certificate pursuant to Local Bankruptcy Rule 9075-2, and respectfully represents:

1. On August 31, 2020, this Court entered the *Order (I) Establishing Omnibus Procedures for the Adjudication of Objections to the Trustee's Claims Determinations that Appear to Raise Factual Issues; and (II) Authorizing the Trustee to File Substantive Motions to Affirm His Claims Determinations and Overrule Such Objections on an Omnibus Basis* (the "Omnibus Procedures Order") (ECF No. 19746).

2. As authorized by the Omnibus Procedures Order, on December 10, 2020, the Trustee filed the *Thirty-Fifth Omnibus Motion to Affirm the Trustee's Claims Determinations and Overrule Objections that Appear to Raise Factual Issues* (the "Motion") (ECF No. 20072), together with the Declaration of Vineet Sehgal in support of the Motion (the "Sehgal Declaration") (ECF No. 20073).

3. Under the Omnibus Procedures Order, claimants that oppose the relief requested by the Trustee in an omnibus motion are required to serve a written objection on the Trustee by the deadline indicated on the notice of hearing for that motion.

4. The deadline for serving the Trustee with objections to the Motion expired on January 7, 2021, at 4:00 p.m.

5. Notice of the Motion was provided by U.S. Mail, postage prepaid or email to (i) all claimants (and their counsel) listed on Exhibits A and B annexed to the Sehgal Declaration; (ii) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560) (the "Notice Procedures Order"); (iii) all parties that have filed a notice of appearance in this case; (iv) the SEC; (v) the Internal Revenue Service; (vi) the United States Attorney for the Southern District of New York; and (vii) the Securities Investor

Protection Corporation, pursuant to the Notice Procedures Order (ECF Nos. 20075, 20083).

6. On January 12, 2021, the Trustee filed on behalf of Dale Ellen Leff (the “Claimant”) the *Opposition of Claimant Dale Ellen Leff to Trustee’s Thirty-Fifth Omnibus Motion to Affirm the Trustee’s Claims Determinations and Overrule Objections that Appear to Raise Factual Issues* (ECF No. 20186) (the “Leff Opposition”).

7. Counsel for the Trustee and counsel for the Claimant have conferred and have agreed, as provided for in the Omnibus Procedures Order, to negotiate in good faith on a proposed scheduling order to resolve the Leff Opposition. The Leff Opposition will be adjourned and determined in accordance with such scheduling order, or by the Bankruptcy Court should the parties be unable to agree on such scheduling order.

8. Other than the Leff Opposition, to date, counsel for the Trustee has not received an objection, responsive pleading, or request for a hearing with respect to the Motion. Counsel for the Trustee also reviewed the Court’s docket not less than forty-eight (48) hours after expiration of the time to serve an objection, and to date, no objection, responsive pleading, or request for a hearing with respect to the Motion appears thereon. Additionally, no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion.

9. An electronic copy of a proposed order (the “Order”), that is substantially in the form of the proposed order that was annexed to the Motion, and Exhibits A and B thereto, will be submitted to the Court along with this certificate. The Order excludes the Claimant’s claims and objections.

10. Pursuant to Local Bankruptcy Rule 9075-2, the Trustee respectfully requests that the Order be entered without a hearing.

Dated: New York, New York
January 13, 2021

Respectfully submitted,

/s/ David J. Sheehan

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